

REMARKS

The present Amendment amends claim 2 and leaves claim 3 unchanged. Therefore, the present application has pending claims 2 and 3.

The title stands objected to in paragraph 5 of the Office Action as not being descriptive of the present invention. The title of the invention was changed to "GRAPHICS DRAWING DEVICE AND METHOD", which Applicants submit is descriptive of the present invention. Therefore, this objection is overcome and should be withdrawn.

Claims 2 and 3 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 and 2 of prior Patent No. 6,084,599. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 2 and 3 are taught or suggested by claims 1 and 2 of the prior patent. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Claim 2 stands rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Amendments were made to claim 2 to bring it into conformity with the requirements of 35

USC §112, second paragraph. Therefore, this rejection with respect to claim 2 is overcome and should be withdrawn.


Specifically, amendments were made to claim 2 to overcome the objections noted by the Examiner in the Office Action.

In view of the foregoing amendments and remarks, applicants submit that claims 2 and 3 are in condition for allowance. Accordingly, early allowance of the present application based on claims 2 and 3 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (503.33829CX4).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120